

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TOMMY LEE FARR, Jr.,

Plaintiff,
v.

Civil Action No. 2:18-CV-11530
HONORABLE VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

MDOC UNKNOWN OFFICERS, et. al.,

Defendants,

**OPINION AND ORDER TRANSFERRING THE CIVIL RIGHTS
COMPLAINT TO THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN**

Tommy Lee Farr, Jr., (“Plaintiff”), confined at the Baraga Maximum Correctional Facility in Baraga, Michigan, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff claims that his constitutional rights were violated by the defendants while he was incarcerated at the Earnest C. Brooks Correctional Facility in Muskegon Heights, Michigan. The Court orders the Clerk of the Court to transfer the case to the United States District Court for the Western District of Michigan.

I. DISCUSSION

Plaintiff claims that he was subjected to excessive force by five corrections officers, resulting in injuries. Plaintiff also may be claiming that the officers fabricated a false misconduct charge against him. Plaintiff does not identify which prison he was incarcerated at but lists the address of the five corrections officers as 2500 South Sheridan Road in Muskegon Heights, Michigan. Plaintiff also attached several grievances to the

complaint indicating that the alleged incident took place at LRF. LRF is the acronym for the Earnest C. Brooks Correctional Facility which is located at 2500 South Sheridan Road in Muskegon Heights, Michigan.¹

All of the actions alleged in the complaint took place at the Brooks Correctional Facility in Muskegon Heights, Michigan, located in the Western District of Michigan. All of the defendants named in the complaint reside in the Western District of Michigan. Plaintiff is currently incarcerated at the Baraga Maximum Correctional Facility, which is also located in the Western District of Michigan.

Venue for a civil action typically lies in the federal judicial district where either all defendants reside or where the claim arose. *Al-Muhaymin v. Jones*, 895 F. 2d 1147, 1148 (6th Cir. 1990); 28 U.S.C. § 1391(b). Public officials “reside” in the county where they serve. *See O’Neill v. Battisti*, 472 F. 2d 789, 791 (6th Cir. 1972).

A district court may transfer any civil action to any other district or division where the action might have been filed. *See United States v. P.J. Dick, Inc.*, 79 F. Supp. 2d 803, 805-06 (E.D. Mich. 2000); 28 U.S.C. § 1404(a). Venue of a lawsuit may be transferred *sua sponte* for the convenience of parties or witnesses. *See Schultz v. Ary*, 175 F. Supp. 2d 959, 964 (W.D. Mich. 2001).

The present matter must be transferred to the Western District of Michigan. All of the “operative facts” in this case took place at the Brooks Correctional Facility, located in

¹ The Court obtained this information from the Michigan Department of Corrections’ Offender Tracking Information System (OTIS), which this Court is permitted to take judicial notice of. *See e.g. Ward v. Wolfenbarger*, 323 F. Supp. 2d 818, 821, n. 3 (E.D. Mich. 2004).

the Western District of Michigan. *See Pierce v. Coughlin*, 806 F. Supp. 426, 428 (S.D.N.Y. 1992). Plaintiff is currently incarcerated in the Western District of Michigan and the defendants all reside in this district. The witnesses and files necessary to prosecute these claims are located in the Western District of Michigan and the burden of transporting Plaintiff to this judicial district would be significant; transfer of this action to the Western District would be proper. *See Welch v. Kelly*, 882 F. Supp. 177, 180 (D.D.C. 1995).

Plaintiff failed to allege that any of the acts, events, or omissions took place in the Eastern District of Michigan; venue for the lawsuit is not proper in this district. *See Miles v. WTMX Radio*, 15 F. App'x. 213, 215 (6th Cir. 2001). Venue in this § 1983 lawsuit lies in the Western District of Michigan, where Plaintiff alleges that the civil rights violations occurred and the defendants reside.

II. ORDER

The Clerk of the Court is **ORDERED** to transfer this case to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. § 1404(a).

S/Victoria A. Roberts
HON. VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

DATED: May 21, 2018